

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:04-cv-02234-DSF**

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U.S. PATENT & TRADEMARK OFFICE

Ayurveda USA, LLC v. Pontiac General Hospital
Assigned to: Magistrate Judge David S. Perelman
Cause: 15:1051 Trademark Infringement

Date Filed: 11/09/2004
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Ayurveda USA, LLC

represented by **Beth Brandon Webster**

Webster Webster Kvale
600 Bradley Bldg.
1220 West Sixth Street
Cleveland, OH 44113
216-566-1144
Fax: 216-566-1221
Email: bbw@websterlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pat. # D 457,965
6,213,922

Craig P. Kvale
Collins & Scanlon
3300 Terminal Tower
50 Public Square
Cleveland, OH 44113
216-696-0022
Fax: 216-696-1166
Email: ckvale@collins-scanlon.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David B. Webster
Webster Webster Kvale
600 Bradley Bldg.
1220 West Sixth Street
Cleveland, OH 44113
216-566-1144
Fax: 216-566-1221
Email: dbw@websterlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John D. Gugliotta
202 Delaware Building
137 S. Main Street
Akron, OH 44308

330-253-5678
Fax: 330-253-6658
ATTORNEY TO BE NOTICED

Laura E. O'Neill
Webster Webster Kvale
Ste. 600
1220 West Sixth Street
Cleveland, OH 44113
216-566-1144
Fax: 216-566-1221
Email: leo@websterlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

Pontiac General Hospital
doing business as
North Oakland Medical Centers

represented by **Angela M. Pippi**
Barlow & Derby
Ste. 365
1450 West Long Lake Road
Troy, MI 48098
ATTORNEY TO BE NOTICED

George L. Pinchak
Watts Hoffmann Co., LPA
1750 Diamond Bldg.
1100 Superior Avenue
Cleveland, OH 44114
216-241-6700
Fax: 216-241-8151
Email: gpinchak@wattshoff.com
ATTORNEY TO BE NOTICED

Holly C. Beatty
Barlow & Derby
Ste. 365
1450 West Long Lake Road
Troy, MI 48098
ATTORNEY TO BE NOTICED

John A. Yirga
Watts, Hoffmann
Ste. 1750
1100 Superior Avenue
Cleveland, OH 44114
216-241-6700
Fax: 216-241-8151
Email: jyirga@wattshoff.com
ATTORNEY TO BE NOTICED

Thomas W. H. Barlow
Barlow & Derby
Ste. 365
1450 West Long Lake Road
Troy, MI 48098
ATTORNEY TO BE NOTICED

Counter-Claimant

Pontiac General Hospital

represented by **Angela M. Pippi**
(See above for address)
ATTORNEY TO BE NOTICED

George L. Pinchak
(See above for address)
ATTORNEY TO BE NOTICED

Holly C. Beatty
(See above for address)
ATTORNEY TO BE NOTICED

John A. Yirga
(See above for address)
ATTORNEY TO BE NOTICED

Thomas W. H. Barlow
(See above for address)
ATTORNEY TO BE NOTICED

V.


Counter-Defendant

Ayurveda USA, LLC

represented by **David B. Webster**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Craig P. Kvale
(See above for address)
ATTORNEY TO BE NOTICED

John D. Gugliotta
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/09/2004	 <u>1</u>	Complaint with jury demand against Pontiac General Hospital (1 waiver issued to counsel). Filed by Ayurveda USA, LLC. Filing fee paid; receipt

12/17/2004	<u>14</u>	Counterclaim against Ayurveda USA, LLC filed by Pontiac General Hospital. (Pinchak, Jr., George) Modified text of docket entry on 1/5/2005 (B, B). (E-mail sent to attorney on 1/5/2005 re: more appropriate choice of event) (Entered: 12/17/2004)
12/17/2004	<u>15</u>	Corporate Disclosure Statement filed by Pontiac General Hospital. (Pinchak, Jr., George) (Entered: 12/17/2004)
12/17/2004	<u>16</u>	Attorney Appearance filed by George L. Pinchak, Jr. and John A. Yirga on behalf of Pontiac General Hospital. (Pinchak, Jr., George) Modified text of docket entry on 1/5/2005 (B, B). (Entered: 12/17/2004)
01/07/2005	<u>17</u>	Motion for leave <i>until 2/7/2005 to Move, Plead or Otherwise Respond to Defendant's Counterclaim</i> filed by Ayurveda USA, LLC. (Webster, David) Modified text of docket entry on 1/12/2005 (B, B). (Entered: 01/07/2005)
01/07/2005	<u>18</u>	Case Management Conference Scheduling Order. Case management conference to be held on 3/8/05 at 10:30 at Chambers 18A before Hon. Lesley Wells. Signed by Judge Lesley Wells on 1/7/05. (C, K A) (Entered: 01/07/2005)
01/10/2005	<u>19</u>	Order (Non Document) Granting Plaintiff's Motion for leave until 7 February 2005 to move, plead or otherwise respond to defendant's counterclaim. (Related Doc # <u>17</u>)(Judge Lesley Wells)(C, L) (Entered: 01/10/2005)
02/07/2005	<u>19</u>	Answer and Affirmative Defenses to Defendant's Counterclaim filed by plaintiff. Related document(s) <u>14</u> . (Kvale, Craig) Modified text of docket entry on 2/8/2005 (B, B). (E-mail sent to attorney on 2/8/2005 re: more appropriate choice of event) (Entered: 02/07/2005)
02/07/2005	<u>20</u>	Attorney Appearance <i>Of John Gugliotta As Co-Counsel</i> filed by Craig P. Kvale on behalf of plaintiff. (Kvale, Craig) Modified text of docket entry on 2/8/2005 (B, B). (Entered: 02/07/2005)
02/21/2005	<u>21</u>	Stipulated Motion for telephonic appearance <i>at Case Management Conference</i> filed by Pontiac General Hospital. Related document(s) <u>18</u> . (Pinchak, George) Modified text of docket entry on 2/24/2005 (B, B). (E-mail sent to attorney on 2/24/2005 re: more appropriate choice of event) Modified text of docket entry on 3/23/2005 (B, B). (Entered: 02/21/2005)
02/21/2005	<u>22</u>	Report of Parties' Planning Meeting filed by all parties. (Kvale, Craig) (Entered: 02/21/2005)
02/23/2005	<u>23</u>	Consent of the parties to this case being transferred to the docket of Magistrate Judge David S. Perelman for further proceedings. The case management conference scheduled before Judge Lesley Wells on 8 March 2005 is cancelled and will be rescheduled by Magistrate Judge Perelman. (Signed by Judge Lesley Wells on 2/23/05) (C, L) (Entered: 02/23/2005)
02/24/2005	<u>24</u>	Order - This action having been transferred to the docket of Magistrate Judge Perelman pursuant to 28 U.S.C. Section 636(c)(1) and Local Rule

		number 665451. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Civil Cover Sheet)(C, BA) (Entered: 11/10/2004)
11/09/2004	<u>2</u>	Random Assignment of Magistrate Judge Perelman (C, BA) (Entered: 11/10/2004)
11/09/2004	<u>3</u>	Corporate Disclosure Statement filed by Ayurveda USA, LLC. (C, BA) (Entered: 11/10/2004)
11/09/2004	<u>4</u>	Motion for order of possession, permanent and preliminary injunction and for temporary restraining order filed by Ayurveda USA, LLC. (Attachments: # <u>1</u> Exhibit A)(C, BA) (Entered: 11/10/2004)
11/09/2004	<u>5</u>	Order. Parties shall engage in an expedited briefing schedule with defendant filing its motion for lack of personal jurisdiction and/or venue on or before November 10, 2004 at 5:00 p.m. and Ayurveda filing its response on or before November 11, 2004 at 5:00 p.m. The Court will hold a telephonic status conference on November 12, 2004 at 4:00 p.m. Plaintiff to initiate the call. (C, BA) Modified text of docket entry on 11/19/2004 (B, B). (Entered: 11/10/2004)
11/10/2004	<u>7</u>	Motion to dismiss for lack of jurisdiction and venue filed by Pontiac General Hospital dba North Oakland Medical Centers. Related document (s) <u>6</u> . (Attachments: # <u>1</u> Brief in Support)(H, D) (Entered: 11/12/2004)
11/11/2004	<u>6</u>	Opposition to defendant's Motion to dismiss for lack of jurisdiction filed by Ayurveda USA, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Webster, David) Modified on 11/12/2004 (H, D). (Entered: 11/11/2004)
11/16/2004	<u>8</u>	Minutes of proceedings. Telephonic Status Conference held on 11/12/04 before Judge Lesley Wells. (Court Reporter: none.) (C, K A) (Entered: 11/16/2004)
11/16/2004	<u>9</u>	Supplemental Brief in support of motion to dismiss for lack of personal jurisdiction and venue filed by Pontiac General Hospital dba North Oakland Medical Center. Related document(s) <u>7</u> . (Attachments: # <u>1</u> Exhibit A) (C, K A) (Entered: 11/16/2004)
11/16/2004	<u>10</u>	Supplemental Brief <i>in Opposition to Defendant's Motion to Dismiss For Lack of Personal Jurisdiction or Improper Venue</i> filed by all plaintiffs. Related document(s) <u>6</u> , <u>7</u> . (Webster, David) (Entered: 11/16/2004)
11/16/2004	<u>11</u>	Amended complaint against Pontiac General Hospital. Filed by Ayurveda USA, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Webster, David) (Entered: 11/16/2004)
11/17/2004	<u>12</u>	Memorandum of Opinion and Order Denying Defendant's Motion to Dismiss. (Related Doc # <u>7</u>)(Judge Lesley Wells on 11/17/04)(C, L) (Entered: 11/17/2004)
12/17/2004	<u>13</u>	Answer to Amended Complaint <i>and Affirmative Defenses</i> (Related Doc # <u>11</u>) filed by Pontiac General Hospital. (Pinchak, Jr., George) Modified text of docket entry on 1/5/2005 (B, B). (Entered: 12/17/2004)

		5:2.1(a), It is hereby ordered that all pleadings filed hereafter shall only carry the name of Magistrate Judge Perelman in the caption. Signed by Magistrate Judge David S. Perelman on 02/24/05. (G, S) (Entered: 02/24/2005)
02/24/2005	<u>25</u>	Notice of Pretrial to be held Monday, 3/14/05 at 2:30 p.m. before Magistrate Judge David Perelman in Chambers 11A. Counsel out of the Cleveland area may participate by phone by making prior arrangements with the court by calling (216)357-7140. Counsel only to attend. (G, S) Modified text of docket entry on 2/28/2005 (B, B). (Entered: 02/24/2005)
03/14/2005	<u>26</u>	Minutes of proceedings. Interim Pretrial Conference held on 03/14/05 before Magistrate Judge Perelman. Discovery for mediation to be done by 7/15/05. Next pretrial set for June 24, 2005 at 1:00 p.m. in Chambers 11A. Signed by Magistrate Judge David S. Perelman, (G, S) Modified text of docket entry on 3/23/2005 (B, B). (Entered: 03/14/2005)
03/14/2005	<u>27</u>	Order dismissing Ayurveda USA, LLC's Motion for order of possession, Motion for permanent injunction, Motion for preliminary injunction, and Motion for Temporary Restraining Order(Related Doc # <u>4</u>) without prejudice to plaintiff's right to seek injunctive relief at some later time and dismissing as moot Pontiac General Hospital's Stipulated Motion for telephonic appearance at case management conference (Related Doc # <u>21</u>). Signed by Magistrate Judge David S. Perelman on 03/14/05.(G, S) Modified text of docket entry on 3/23/2005 (B, B). (Entered: 03/14/2005)
03/21/2005	<u>28</u>	Initial Disclosures filed by Ayurveda USA, LLC. (Kvale, Craig) (Entered: 03/21/2005)
03/22/2005	<u>29</u>	Motion for appearance pro hac vice of <i>Thomas W.H. Barlow</i> filed by defendant. (Pinchak, George) Modified text of docket entry on 3/29/2005 (B, B). (Entered: 03/22/2005)
03/23/2005		Financial Transaction in the amount of \$190.00 received for motion to appear pro hac vice by attorney Thomas Barlow. Receipt # 668697 Related document(s) <u>29</u> . (C, BA) (Entered: 03/23/2005)
03/24/2005	<u>30</u>	Notice to take Deposition of <i>Colleen Noble, M.D.</i> on <i>June 7, 2005</i> filed by all plaintiffs. (Webster, David) (Entered: 03/24/2005)
03/24/2005	<u>31</u>	Notice to take Deposition of <i>Slawek Walenski</i> on <i>June 8, 2005</i> filed by all plaintiffs. (Webster, David) (Entered: 03/24/2005)
03/24/2005	<u>32</u>	Notice to take Deposition of <i>Joann Digiovanni</i> on <i>June 7, 2005</i> filed by all plaintiffs. (Webster, David) (Entered: 03/24/2005)
03/28/2005		Order (non-document) granting motion for appearance pro hac vice by attorney Thomas W. H. Barlow for Pontiac General Hospital (Related Doc # <u>29</u>). Entered on behalf of Magistrate Judge David S. Perelman on 3/23/05.(W, Jo) (Entered: 03/28/2005)
06/22/2005	<u>33</u>	Notice of Service of Responses to Defendant/Counter-Plaintiff's First Set of Discovery Requests filed by all plaintiffs. (Kvale, Craig) (Entered: 06/22/2005)

06/24/2005	<u>34</u>	Minutes of proceedings. Interim Pretrial Conference held on 06/24/05 before Magistrate Judge Perelman. Mediation set for 8/31/05 at 1:00 p.m. Counsel and all clients to report to Chambers 11A. Pre-mediation statements due by 8/29/05. Magistrate Judge David S. Perelman, (G, S) (Entered: 06/24/2005)
08/25/2005	<u>35</u>	Proposed protective order filed by all parties. (Attachments: # <u>1</u> Exhibit (Pinchak, George) Modified text 8/29/2005 (C, K A). (Entered: 08/25/2005)
08/26/2005	<u>36</u>	Stipulated Protective Order (Related Doc # <u>35</u>) Signed by Magistrate Judge David S. Perelman on 8/26/05.(W, Jo) Modified text on 9/2/2005 (P, S). (Entered: 08/26/2005)
08/30/2005	<u>37</u>	Pre-Mediation Statement filed by Ayurveda USA, LLC. (Webster, David) Modified text on 9/14/2005 (C, B). (Entered: 08/30/2005)
09/01/2005	<u>38</u>	Minutes of proceedings. Mediation conference held before Magistrate Judge David S. Perelman on 8/31/05. Mediation held with no resolution. Case management order to be entered. (W, Jo) (Entered: 09/02/2005)
09/01/2005	<u>39</u>	Order signed by Magistrate Judge David S. Perelman on 9/1/05. The Plaintiff's motion for replevin or preliminary injunction, if any, shall be filed no later than September 30, 2005, and defendant shall respond thereto within two weeks of filing. Fact discovery shall close on February 24, 2006. Experts shall be designated no later than December 30, 2005, their reports shall be exchanged by April 28, 2006 and expert discovery shall conclude by May 26, 2006. Further pretrial shall be held upon notice in early January 2006.(W, Jo) (Entered: 09/02/2005)
09/21/2005	<u>40</u>	Minutes of proceedings. Pretrial conference held before Magistrate Judge David S. Perelman. Conference on terms of settlement. Counsel to report back to court within a week. (W, Jo) (Entered: 09/22/2005)
10/12/2005	<u>41</u>	Minutes of proceedings. Telephone conference held on 10/12/05 regarding proposed settlement. Magistrate Judge David S. Perelman, (G, S) (Entered: 10/12/2005)
12/09/2005	<u>42</u>	Proposed Stipulation of <i>Dismissal</i> filed by Ayurveda USA, LLC (Webster, David) Modified text of docket entry on 12/12/2005 (B, B). (Entered: 12/09/2005)
12/09/2005	<u>43</u>	Stipulated dismissal entry re <u>42</u> . Signed and approved by Magistrate Judge David S. Perelman on 12/9/05. (W, Jo) (Entered: 12/09/2005)
12/12/2005	<u>44</u>	Copies of the docket, complaint and closing order were sent to the United States Patent and Trademark Office on 12/12/2005. (B, B) (Entered: 12/12/2005)